

TOWN OF MERRILLVILLE  
TOWN COUNCIL MEETING  
MAY 22, 2007

**CALL TO ORDER**

**INVOCATION:** Pastor Larry Gember- Emmanuel Lutheran Church

**PLEDGE OF ALLEGIANCE**

**ROLLCALL:** Mrs. Antich and Mr. Uzelac were absent and all other members were present.

**PETITIONS, COMMUNICATIONS, REMONSTRATIONS:**

**Brown:** We have one item from the public safety committee.

**Shudick:** Yes Gentlemen, this evening I'd like to add on an Ordinance to the agenda. Ordinance 07-15 regulating the hours that fireworks may be used, ignited or discharged within the Town of Merrillville. That's a motion.

**Hardaway:** Second.

**Pettit:** Motion by Mr. Shudick and second by Mr. Hardaway to add on Ordinance 07-15, which we'll here on first reading later on in the agenda. Any discussion? Seeing none, all those in favor signify by saying aye.

**Unanimous:** Aye.

**Pettit:** Opposed? Motion carries.

**CONSENT AGENDA:**

**Brown:** We have accounts payable register voucher approval for May 22, 2007 for voucher #83712-83978 and I have one additional item that I'd like to add as 83979, it is a Comcast bill. It's an ongoing bill through the Parks Department and due to the fact that there is a three week break between now and the next Council meeting, we need to add this one because otherwise we'll miss the due date.

**Hardaway:** So moved.

**Taylor:** Second.

**Pettit:** Motion by Mr. Hardaway and second by Mr. Taylor to approve the Consent Agenda and the minutes. Is there any discussion? Mr. Brown, this register includes...we did not have a meeting on May 8<sup>th</sup> so does this include all of the claims for the period of May Correct?

**Brown:** Yes. If you notice some of the claims go back to April.

**Pettit:** Okay, any other questions? Seeing none, all those in favor signify by saying aye.

**Unanimous:** Aye.

**Pettit:** Opposed? Motion carries.

**STANDING COMMITTEES:**

**BUDGET & FINANCE:**

**Brown:** I did go to the IACT seminar and Mr. Pettit has asked me to put something together for the next work session in June to give everyone an update of changes at the State level and some of it is financial.

**Hardaway:** I've got one quick question too because we spoke with Will Smith a few weeks ago, has he made any communications with anyone to say when the County wants to sit down with everyone and talk about this 1% tax?

**Brown:** No, but I found out from Mr. Petalas that they are going to call that meeting sometime for next week or the week following.

**Hardaway:** Just let me know, I'm quite sure that myself and Councilman Pettit are very interested.

**Pettit:** Yes.

**Brown:** We should all head to that one.

**Hardaway:** Yeah.

**PUBLIC WORKS:**

**Huish:** Mr. Shudick and I have been talking...our paving is well underway but we've got some issues out there and I know I was against it and I thought that maybe Bruce would be able to handle monitoring all this paving and concrete work. I think that with the storm and everything that, maybe we do need a monitor out there. I'm going to make a motion that we got to Robinson Engineering and have the appoint someone to keep an eye on all the paving.

**Hardaway:** I'll second that.

**Pettit:** Motion by Mr. Huish and second by Mr. Hardaway to retain Robinson Engineering to provide construction supervision on the 2007 paving program. Any discussion on the motion?

**Widing:** What will this run?

**Huish:** What was the cost last time?

**Brown:** We did 3 million dollars worth and it was just under \$25,000.00.

**Taylor:** It was about \$24,000.00.

**Huish:** I just want to make sure that everyone knows that, this is in no way a slight to Bruce. He has enough duties and we added this on and then we had the big storm and he's had that to deal with. So, this is not a slight at Bruce, we just need somebody out there to watch this.

**Shudick:** I think it's a good idea also. We just need to keep a closer eye on the paving because once it's done and they're in and out, if problems arise we have somebody to go back to and ask them why they didn't catch it. I've already had some questions on 80<sup>th</sup> Avenue, I've had resident's calling and I've been assured by Mr. Spires that it will be taken care of but it's really hard to explain to a constituent why the basic layer of pavement is already cracking. It looks like somebody took a pick to it. Even if there was a problem underneath the black top, I would still think that the contractor would have done some patchwork to give the image that he is going to attempt to do some good work in that area. From the word go, it just doesn't seem to be working.

**Huish:** I saw what he's talking about and it looked like a thin layer just barely enough to cover the cracked pavement and in my area on Buchanan Street they left a huge pile of grindings in the middle of the road with no markings around it and I think that it would have been a real problem at night. It's marked now but it's still out there.

**Hardaway:** This is Bucko?

**Huish:** Right.

**Pettit:** Well, why...you have a large pile of grindings in the middle of Buchanan?

**Huish:** Right in the middle.

**Pettit:** It's a public right-of-way, why are they blocking the public right-of-way Bruce?

**Huish:** It's the entire southbound lane.

**Pettit:** What's the purpose of those grindings being in the middle of the street?

**Spires:** Honestly, I don't know. When I talked to them a few days ago that was supposed to be picked up and hauled away but I'll give them a call tomorrow and we'll get them out there.

**Shudick:** I just think that with the problems we had with the water lines, we don't want to go through the same problems with paving. We'll get on it early and get it done right and make sure that we get the biggest bang for the buck.

**Pettit:** Okay.

**Huish:** I'd like Robinson Engineering to go out there and check all of the work that has been done so far and make sure it has been done right.

**Pettit:** Motion on the floor to obtain Robinson Engineering for construction inspection services for the 2007 paving. Seeing no further discussion, all those in favor signify by saying aye.

**Unanimous:** Aye.

**Pettit:** Opposed? Motion carries.

**Hardaway:** I've got one thing Mr. President. Bruce, I'd like to commend you and your crew on the exceptional work that you guys did after the storm in all of the areas, especially on the north end that was hit the hardest in Georgia Heights. They were probably hit harder than any other area...that I'm aware of but you guys came through and cleaned everything up to everybody's satisfaction. I got one complaint and then the guy called me back two days later thanking me because you guys did exactly what you needed to do. So, if you can communicate that to the Public Works employees that they did an excellent job in being pro-active after the storm.

**Spires:** I'll let them know. Thank you.

**Taylor:** I second that appreciation.

**Pettit:** Yeah.

**COUNCIL AFFAIRS:**

**Widing:** I've got an item from the workshop. It's going to be on the agenda later, it's for the non-reverting fund ordinance for the weeds so that we can keep the money and pay for all of the blight properties. That will be on the agenda later.

**PERSONNEL POLICY & EMPLOYEE BENEFITS: No report.**

**PUBLIC SAFETY:**

**Shudick:** This evening we had a request by the Greek Church for a large gathering permit. I'd like to make a motion that we okay this request.

**Huish:** Second.

**Pettit:** Motion by Mr. Shudick and second by Mr. Huish to approve the large gathering permit for the Grecian Festival. Is there any discussion? I believe we looked at this at the workshop, did we not Mr. Brown?

**Brown:** Yes.

**Pettit:** Everything is in order chief?

**Bravos:** Yes.

**Pettit:** Okay, any discussions? Seeing none, all those in favor signify by saying aye.

**Unanimous:** Aye.

**Pettit:** Opposed? Motion carries. I have one comment Joe, I guess this goes to your guys in the fire service. Chief Herzog...an outstanding job, we had two tragedies yesterday. One apartment happens to be on 69<sup>th</sup> Place in Ward 6. They're all homeless and that's an absolute devastation but you guys were professional, you got out there and took care of matters. I saw the building owner at lunch time and he is very impressed with the way the fire service handled everything out there. Unfortunately, it was a tragedy that they lost everything but they are all safe and that is the most important thing so, thank you guys.

**Shudick:** To add to the conversation, there was also another structure fire prior to that on 78<sup>th</sup> right off Taft Street. We had the majority of the fire service go back to back for structure fires from 4 o'clock and some didn't get back home until 3 or 4 o'clock in the morning because you just don't park the rigs back in the fire house. You've got to clean everything and make sure it is all back in working condition, fuel up the rigs and make sure all of the equipment is ready to go and I'd like to echo Mr. Pettit's compliments here, excellent job chief.

**Herzog:** Thanks.

**Huish:** If I could add too, I was out at the one at 6909 Pennsylvania last night and I saw a lot of tired firemen because they were at the earlier one and I was pretty impressed to watch them work out there. We all need to thank these guys because they volunteer to do this and to go into those buildings.

**Bravos:** If I may, just one additional comment, in a public safety format is that....we're appreciative to the surrounding area communities that stood by our stations while they were fighting those fires. I know Crown Point, Lake Ridge, they all backed up for assistance and they should be acknowledged also.

**Hardaway:** Since we're addressing this fireworks ordinance, is there any possibility Mr. Shudick that we can look at the curfew ordinance? Since the State is kind of like....

**Bower:** Yeah, we're working on a revised curfew ordinance. I was just speaking with Larry about that and it should be ready in a couple of weeks. Probably at the next workshop.

**Hardaway:** Yeah, I'm just thinking that since everybody else is...

**Bower:** One of the things that we're going to do...the recommendation is because the way that the law is set up, the officer almost needs a checklist that he or she has got to go down before they can in fact arrest for a curfew violation. We're going to draft that interview sheet that will be standard for each officer when they're confronted with a potential curfew violation. The fundamental change that was done in the ordinance that was recently found to be constitutional in the Federal District Court in Indianapolis was that, a juvenile may be out past the prohibited hours if they have a note from a parent or guardian. It's called, a note from mom rather sarcastically because that was found for some reason to be one of the essential requirements on the basis that, parents have the right to raise their children the way they see fit and if a parent or guardian wants to give a note for the child to be out at 3 o'clock in the morning, then that child can not be arrested for curfew violation. It does not eliminate the possibility of neglect of the dependent by a parent for allowing Tommy or Susie to be running around at 3 o'clock in the morning.

**Shudick:** How is the officer supposed to see how valid...

**Taylor:** Authenticate...

**Pettit:** Check the handwriting Joe, to see if it is mom and dad or if it's Susie.

**Huish:** I'm about to date myself but wasn't it Arnold Horshack that always had the note from his mother.

**Bower:** Yes.

**Shudick:** I'm good at writing notes.

**Brown:** Maybe that's where the court got the idea.

**Huish:** Let's hope not.

**Pettit:** Let's make the curfew law discussion for the June workshop under public safety or council affairs.

**Hardaway:** Either one, I just think it's a public safety issue that we need to address.

#### **PARKS & RECREATION:**

**Huish:** We have one item this evening called a grant of a license and it's going to be an agreement between the Merrillville School System and the Town of Merrillville, with its Parks Department developing a 40 acre public park through the Lake Michigan coastal grants project. The school and the Pruzin Centre park share this area and I'd like to make a motion that we have the President of the Council and myself sign this and get the agreement going with the School Corporation. It's for a habitat restoration and education project in that area.

**Hardaway:** I...

**Taylor:** Second.

**Hardaway:** ...Second it.

**Taylor:** You shouldn't have said I.

**Pettit:** Motion by Mr. Huish and the chair will recognize Mr. Taylor as the second...

**Hardaway:** It's good to let him get one every once in a while.

**Pettit:** ...to approve the authorization of signature for the school lease for the Pruzin Centre Project. Any discussion? Any questions? All those in favor signify by saying aye.

**Unanimous:** Aye.

**Pettit:** Opposed? Motion carries.

**Weems:** Sir, I do have one more item.

**Pettit:** Miss Weems.

**Weems:** The bids that you guys had approved for me a month ago will be advertised on Thursday for two Thursdays in a row. Thank you.

**Pettit:** Okay.

**Widing:** Mr. President, I have a couple of issues. Miss Weems, that developer that was going to make the donation to the park just south of 57<sup>th</sup> for Ward 7, has that been made yet?

**Weems:** No it hasn't.

**Widing:** Okay, because the last time we talked he said he was going to do it in a month or two. Have you spoken with him?

**Weems:** He said he would do it before May ended. So, I would expect to see something by June 1<sup>st</sup>.

**Widing:** Okay good and could I possibly get a picnic table at Petruch Park?

**Weems:** Sure, I have three that we are repairing and you can have one.

**Widing:** Alright.

**ENVIRONMENTAL AFFAIRS: No report.**

**ELECTIONS & PUBLIC RELATIONS:**

**Hardaway:** I'd like to thank Hooter's, they had a fundraiser for the Veteran's Memorial on May 3<sup>rd</sup>. We raised \$2,500.00 toward our Veteran's Memorial and also I'd like to thank the Merrillville Army Recruiters for coming out the Saturday before last to help us erect our wall. About six guys and their families came out and they stayed out there all day and we got that wall built. So, I'd like to publicly thank both of those individual groups for their assistance in making our Veteran's Memorial a little to becoming a reality.

**ECONOMIC DEVELOPMENT:**

**Taylor:** One item Mr. President, it's our standard CF-1 form for Polycon for their tax abatement. I'd like to make a motion that we approve it.

**Hardaway:** Second.

**Pettit:** Motion by Mr. Taylor and second by Mr. Hardaway to approve the CF-1 form for Polycon Industries for their tax abatement. This is an annual requirement to be filed with the State of Indiana. Any discussion? Seeing none, all those in favor signify by saying aye.

**Unanimous:** Aye.

**Pettit:** Opposed? Motion carries.

**Taylor:** We have a meeting set for July 16<sup>th</sup> for our Economic Development.

**Fink:** July 10<sup>th</sup> at 5:30, Sir.

**Taylor:** Thank you, Mr. Fink.

**UTILITY LIAISON: No report.**

**GENERAL ORDERS:**

**FIRST READING ORDINANCES:**

**Brown: Ordinance 07-13:** An ordinance of the Town of Merrillville, Merrillville, Indiana creating a non-reverting noxious weeds fund for the Town of Merrillville.

**Hardaway:** So moved.

**Huish:** Second.

**Pettit:** Motion by Mr. Hardaway and second by Mr. Huish to approve Ordinance 07-13. Any discussion? Seeing none, Mr. Brown roll call vote.

**Mr. Brown conducted the following roll call vote:**

**Councilman Taylor:** Yes

**Councilman Hardaway:** Yes

**Councilman Huish:** Yes

**Councilman Uzelac:** Absent

**Councilman Shudick:** Yes

**Councilman Widing:** Yes

**Councilman Pettit:** Yes. Motion carries 6/0.

**Hardaway:** Can we waive it and get a second on this?

**Pettit:** I was just going to ask legal Council if we can do that.

**Bower:** Yes, you have to have a unanimous vote to waive the rules of all the people that are here.

**Hardaway:** I make a motion to waive the rules and have a second reading of ordinance 07-13.

**Huish:** Second.

**Pettit:** Motion by Mr. Hardaway and second by Mr. Huish to suspend the rules to hear ordinance 07-13 on second reading. Mr. Brown or Mr. Bower, is there anything in this ordinance that requires a notice of publication?

**Bower:** No.

**Brown:** It's just creating the fund.

**Pettit:** Alright. All those in favor of suspending the rules, signify by saying aye.

**Unanimous:** Aye.

**Pettit:** Opposed? Motion carries. Mr. Brown ordinance 07-13 on second reading please.

**Brown: Ordinance 07-13:** An ordinance of the Town of Merrillville, Merrillville, Indiana creating a non-reverting noxious weeds fund for the Town of Merrillville.

**Widing:** So moved.

**Hardaway:** Second.

**Pettit:** Motion by Mr. Widing and second by Mr. Hardaway to approve Ordinance 07-13 on second reading. Any discussion? Any public comment? Seeing none, Mr. Brown roll call vote.

**Mr. Brown conducted the following roll call vote:**

**Councilman Taylor:** Yes

**Councilman Hardaway:** Yes

**Councilman Huish:** Yes

**Councilman Uzelac:** Absent

**Councilman Shudick:** Yes

**Councilman Widing:** Yes

**Councilman Pettit:** Yes. Motion carries 6/0.

**Brown: Ordinance 07-14:** An ordinance of the town, Lake County, Indiana appropriating additional monies within the Major Moves Construction Fund of the Town of Merrillville, Lake County, Indiana for the year 2007 not included in the current budget and creating the budget line 363 Road Improvements.

**Huish:** So moved.

**Shudick:** Second.

**Pettit:** Motion by Mr. Huish and second by Mr. Shudick to approve Ordinance 07-14. Any discussion?

**Taylor:** We're appropriating more funds from the major moves monies?

**Brown:** No, we've never appropriated the monies. We've created the fund but we've never actually appropriated the monies yet until we do this.

**Taylor:** We had the check.

**Brown:** It doesn't make a difference, you deposit the check in the fund but you still have to appropriated the money to spend.

**Taylor:** Then we borrowed against the funds?

**Brown:** That has already been paid back. We borrowed that at the beginning of the year but paid it back when we got the tax warrants done.

**Taylor:** Okay.

**Pettit:** Any other questions? Seeing none, Mr. Brown roll call vote.

**Mr. Brown conducted the following roll call vote:**

**Councilman Taylor:** Yes

**Councilman Hardaway:** Yes

**Councilman Huish:** Yes

**Councilman Uzelac:** Absent

**Councilman Shudick:** Yes

**Councilman Widing:** Yes

**Councilman Pettit:** Yes. Motion carries 6/0.

**Brown: Ordinance 07-15:** An ordinance to establish hours and days in hours of which consumer fireworks may be used, ignited or discharged in the Town of Merrillville.

**Huish:** So moved.

**Taylor:** Second.

**Pettit:** Motion by Mr. Huish and second by Mr. Taylor to approve Ordinance 07-15. Any discussion? This mirrors the State law?

**Brown:** According to our attorney, it is exactly the State law.

**Bower:** Yes.

**Pettit:** Okay, any discussion? Seeing none, Mr. Brown roll call vote.

**Mr. Brown conducted the following roll call vote:**

**Councilman Taylor:** Yes

**Councilman Hardaway:** Yes

**Councilman Huish:** Yes

**Councilman Uzelac:** Absent

**Councilman Shudick:** Yes

**Councilman Widing:** Yes

**Councilman Pettit:** Yes. Motion carries 6/0.

**SECOND READING ORDINANCES:**

**Brown: Ordinance 07-09:** An Ordinance of the Town of Merrillville appropriating money for the purpose of defraying the expense of the Town Government of the Town of Merrillville, Lake County, Indiana for the Year 2007 not included in the current budget.

**Widing:** So moved.

**Hardaway:** Second.

**Pettit:** Motion by Mr. Widing and second by Mr. Hardaway to approve Ordinance 07-09. Any discussion? Any public comment? Seeing none, Mr. Brown roll call vote.

**Mrs. Antich conducted the following roll call vote:**

**Councilman Taylor:** Yes

**Councilman Hardaway:** Yes

**Councilman Huish:** Yes

**Councilman Uzelac:** Absent

**Councilman Shudick:** Yes

**Councilman Widing:** Yes

**Councilman Pettit:** Yes. Motion carries 6/0.

#### **RESOLUTIONS:**

**Brown: Resolution 07-16:** A Resolution of the Town of Merrillville transferring funds from the Casino fund into the Fire & Hazmat fund for a temporary loan for cash flow purposes.

**Hardaway:** So moved.

**Taylor:** Second.

**Pettit:** Motion by Mr. Hardaway and second by Mr. Taylor to approve Resolution 07-16. Any discussion? Seeing none, Mr. Brown roll call vote.

**Mr. Brown conducted the following roll call vote:**

**Councilman Taylor:** Yes

**Councilman Hardaway:** Yes

**Councilman Huish:** Yes

**Councilman Uzelac:** Absent

**Councilman Shudick:** Yes

**Councilman Widing:** Yes

**Councilman Pettit:** Yes. Motion carries 6/0.

#### **BZA ACTIONS:**

**Mr. Brown read the bza action as follows:**

**Petitioner:** Lamar Advertising Inc.

**Owner:** Silver Springs, LLC

**Request:** Variance of use approval for proposed 220 sq.ft. digital led poster display advertising (Billboard) sign.

**Location:** Approximately 78<sup>th</sup> Avenue & Taft Street east side

**Case No.:** Z13uV-307

**Widing:** So moved.

**Shudick:** Second.

**Hardaway:** Here it says approximately 87<sup>th</sup> Avenue & Taft. Which one is correct?

**Brown:** What did I say, 86<sup>th</sup>?

**Hardaway:** Didn't you say 78<sup>th</sup>?

Brown: I don't know, mine says 87<sup>th</sup>. I must have mis-read it.

**Pettit:** Motion by Mr. Widing and second by Mr. Shudick. Mr. Brown, why don't you read the syllabus real quick on the conditions?

**Brown:** Yes Sir, the conditions are Lamar Advertising Inc. will provide a commitment letter restricting adult material, offer three months of public service advertising for the Town of Merrillville on the north face of the sign and will rescind the use variance approval Z18uv-506 of a double face 14 ½ x 48 690 sq.ft. existing advertising billboard sign to accommodate a digital display, moving, flashing, lighted advertising sign.

**Pettit:** Okay, now we're under discussion and at this time I want to declare a conflict of interest because I am employed by the petitioner. So, I will be abstaining from voting.

**Taylor:** Okay, question on the conditions. We have down there where we're going to have 3 month public service for the Town of Merrillville and we've talked about it being for non-for-profits also. Has that changed?

**Bower:** Terrell, I see a problem with that because how are we going to determine which non-for-profits can come on?

**Taylor:** How do we determine now?

**Bower:** We don't. It's got to be something associated with the Town. It has to be Town sponsored.

**Fink:** This is something that gets into an area which I'm not sure, legally, we're able to do. Which is to require free advertising for non-for-profits...to the extent that we are regulating a relationship from private industry to private industry.

**Widing:** I thought that was already part of the ordinances that, when you've got these kinds of signs you had to offer so many hours of free advertising for non-profit.

**Brown:** Yes and no, typically what you see is the smaller l.e.d.'s that we have on Broadway. The smaller 3x8 foot and you want to advertise a pancake breakfast then yes, we send out letters and there is a whole bunch of companies that have these approvals. It's all conditions based on the bza for the variance of use, its all digital and they typically comply to that and that's not just Town sponsored, we've done that for any non-profit. This is different, they're not offering us the digital side of the face. They are offering us the other side, it's a trade off. We're not being offered the large digital portion to display anything. We're being offered the paper side of the billboard, it's a little bit different.

**Widing:** Okay, on the digital side can we add it so that they have to offer so many hours a year to non-profit?

**Pettit:** The petitioner is here.

**Mr. Perry:** Good evening, my name is Jim Perry, I work for Lamar Advertising. I re-drafted the zoning commitment letter and forwarded it to your legal counsel for his review earlier this evening and basically what we did was we re-structured based on our workshop meeting. What we would do is allow you the 7 panel for the Amber Alert, public service, the safety issues, you know, that's always something that we would be more than willing to offer the Town of Merrillville. We also structured it where on the digital sign, you would have the opportunity to advertise for approved Town events under the condition that it's preemptive and space is available. In essence, if we have the space we are more than happy to work with the Town to allow them to advertise the Town Ball or the Christmas Parade or whatever the case may be but the problem is if it's booked it creates a conflict with our clients. What we also did was to offer either or to the Town where you can advertise based on those conditions on the digital side or you can have the 3 months on the static side which is the other side of the sign like we talked about at the workshop. You know, I kind of offered those options to the Town, whatever you see as most appropriate, we'd be more than willing work with you on.

**Gregor:** Mr. Perry, can I ask you on the static side, how much notice do you have to give your company in order to place a sign on that side and how often would you be willing to change? Let's say...because you discussed non-profit organizations may go on the static side if we have one organization that wants to advertise for a softball league sign up and then the next week it's the football sign up. Are you willing to go out there every week to change that sign?

**Perry:** Well, we'd like to have at least a reasonable...I mean, we have schedules and demands on our time from an operations perspective so, we'd like to have a reasonable period of time. Say thirty days or something like that and we can work with the Town if you have a certain number of activities that you want to advertise, we can set up the copy...there is a lot of steps in between you ordering it and us putting it up so maybe we can plan ahead a little bit and say, these are the four activities we want to advertise, get that copy designed and produced and then we can schedule stuff accordingly that way. The last minute stuff is a little difficult for us in a lot of ways because we do have a lot of scheduling conflicts but we can work with Town however you see fit.

**Widing:** We require certain digital signs to offer this to non-profits, how do we decide which ones we put that in and make them give some many hours and then some we don't do it. How can we do some and not all of them?

**Taylor:** You have to figure out which one you want, if you want the static side or the digital side.

**Widing:** I'm talking about the digital side. I know there are numerous companies that have to offer so many hours a year for non-profit organizations and I don't see how we can do it to some and not all of them.

**Taylor:** There is a difference between advertising a billboard...I'm just clarifying because we have to figure out which one we're going to use. Are we going to use the digital side or not? If not, we're going to be using the paper side for three months and I see it from a stand point where I'll be calling Terri and say organize a form where all these little youth sports come together and they advertise and you put it up there and they have four of them up there on one board split up showing basketball, football sign ups so that they get it up there. On the same point your saying we're making the digital guys do something on there that they have to do it if they come to them but they have to come to them in order to do it and we need to pick which one we're going to do.

**Huish:** Are you saying on the static side to get together with all of the fall leagues and do one big advertisement?

**Taylor:** Yes and they split it into four little things. Terri has done it before and you put it in fourths and put them all up their showing their sign ups.

**Pettit:** Guys, one thing to remember is that there are already two panels that are already being offered by Lamar at approximately \$24,000.00. You can use those other panels. Currently we have Ross Township Fire Service on the two panels.

**Taylor:** The Town can right Shawn?

**Pettit:** The Town can, we've had the police promotion, leaf collection. When I started as Town Manager in 1999, and the original offer was made by Lamar, it was up on 30 & Broadway when we had the school kids on there that was a \$36,000.00 a year donation.

**Taylor:** I'm trying to clarify...

**Brown:** That's just for the Town.

**Pettit:** At that time the Council wanted to promote the diversity in the community and they said that everyone is welcome and we had the school kids on there. I saw artwork in the file Bruce, where you did the leaf collection. We've done the good guys wear black. Now we've got the Fire Department, you can do the Town Ball or the Veterans Memorial. Again, Steve's comments I think are pertinent...Town sponsored events, where do you draw the line on the communities? My church, St. Joan of Arc, has a soup & salad twice a year. If they come to us as a Council, are we going to let them put a panel up there? You know you've got the Merrillville Youth Basketball and the Babe Ruth sign ups. I mean, you're going to be inundated and it doesn't even matter what you buy and fortunately or unfortunately I've handled the account. I worked with Nick and with Tim on buying the paper and even with Joe on the Fire Service. I know how much paper we have to buy and what goes into it and I guess just keep that in mind. I'm abstaining but I'm just giving you guys the facts of what is out there. You already have two panels right now that Lamar has committed to continue to give you in addition to three more months on this new board.

**Taylor:** I agree and I want to make sure that if we're allowing...and not as a concession or ultimatum but if we're going to do the digital billboard up there, I think there should be some utelage for community service. Some, however we want to do it.

**Pettit:** We went through this before Terrell. Nick and I were co-chair of the Merrillville Town Ball and I think out of all the letters we sent, we probably got three of the businesses to put it up.

**Bravos:** That's correct. We didn't get many back.

**Pettit:** So we're not getting it for some of the other events and I understand what Ron is saying but just again as a fact, I'm just trying to give you guys what I know.

**Taylor:** So regardless, you're going to put up the alerts, fire service and public safety?

**Perry:** Correct.

**Taylor:** We just need to figure out Gentlemen, what we want to do as far as sides. What do we want to do? Do we want to utilize the other side of it or do we want to let Lamar advertise on the paper side and utilize the digital side?

**Hardaway:** Is that an option?

**Taylor:** I think that was the option?

**Perry:** Yes, it was one or the other.

**Widing:** My point was nothing that they were offering us, I was just getting at just the non-profits.

**Taylor:** I heard you.

**Widing:** You know, nothing tied in with us advertising, I just think the wording should be in here like everyone else that they have to offer it to non-profit. I just feel that if we make some do it they all should do it.

**Shudick:** I have a question for our attorney? Is that a mistake?

**Bower:** Yeah, I'm not aware that...have we approved others in which we have said that they've got to advertise non-for-profits?

**Gregor:** They have to offer it, yes.

**Fink:** We can specify that they have to have the advertisement available, that's one thing but I just do not think and we can research the law further but I just do not believe that we can require them to provide free advertising to all non-for-profits.

**Pettit:** There is a point of clarification if I'm not mistaken, the previous use variance that was approved at 93<sup>rd</sup> & Taft for the large sign did not have any conditions on it for this type of discussion.

**Gregor:** No, it did not.

**Bower:** Ron, at the bza meeting when this was brought up, it was indicated that they would allow a non-profit to advertise. Then, there was a priest that was there and asked for free advertising and of course he said no, because that's there in the business. So, you know, are you saying for free or...I mean, they can make a commitment to accept non-for-profit advertisements if they pay for them. My problem as the attorney on this thing is that, if there is to be free space either on the digital or paper side, it's to the Town, it's not for whom ever the Town is designating because what a nightmare. We're going to have every non-for-profit, every church, every organization in here clamoring to be on the sign. How on earth will you choose and whom ever you choose, all the others will be angry. So, you know, where are we?

**Widing:** I'm not saying we're going to make the decision. Like Lake Mortgage, a few years back we approached them to do it and that is in their ordinance that they had to offer so many hours or whatever but they put it up for like a weekend for us.

**Taylor:** Yeah but there is really no repercussions Ron, if they don't do it. There's no repercussion for us to say, okay take down your sign because you didn't do it. I agree with you, I feel that there should be uses for any non-for-profit accordingly but you know, I think in this manner...this one being a digital billboard versus the other one, there is somewhat of a difference there. I think that there should be some access but I don't know what the right way to do it is. I think that we ought to utilize the digital side because it's coming into Merrillville, the other side is going out.

**Hardaway:** I agree with that.

**Taylor:** So whatever we do I think it should be on the digital side because saying goodbye thank you for coming to Merrillville is really not effective.

**Bower:** Or, thank you for leaving Merrillville.

**Taylor:** I think we should use the digital side, we just need to figure out how we want to do it and I think Lamar will be willing to work with us in some manner to make it feasible.

**Perry:** We certainly will.

**Taylor:** I'll be willing to make the motion that we use the digital side and we'll work with Lamar to figure out a happy medium.

**Pettit:** Actually, we have a motion and a second on the floor.

**Taylor:** Oh we do, I'm sorry.

**Bower:** Well, I've got a suggestion. Jim has proposed this on an either or...I would suggest that if there is not space on the digital side that, we have the 3 months on the paper side.

**Taylor:** If you have an advertiser up there that you can't...okay.

**Bower:** So that, we'll either have one of your panels on the digital side or we're going to be on the paper side. This way we're guaranteed some space and it would be Town promotion. That gets more for us and costs you a little bit but the real problem...you know, if you're able to get everything rented on the digital side that is extremely good income for you.

**Perry:** Yes it is.

**Bower:** We don't want to interfere with that by mandating one of your panels but if that happens, I don't think you would hesitate at all to give us the 3 months on the paper side.

**Perry:** We can work with you on that. I'll talk to my Vice President but it shouldn't be a problem.

**Taylor:** I like that. What is the cost of the board so that people understand what the actual cost is?

**Perry:** We don't really have a good hand on it, it is kind of a new market for us. It's a new technology and will be our first digital billboard in this region so, you know it has yet to be determined.

**Brown:** What is the paper side per month?

**Perry:** It's between \$800 to \$1200 a month.

**Brown:** It will probably be more than that on the digital side.

**Perry:** We're waiving the production fees on the static side which is about \$300 to \$400 a month for the production of it. I can talk to my Vice President and I think we can work something out on that.

**Taylor:** Okay.

**Gregor:** Okay but is this just now for Town promotion or is it going to be for non-profit? We need to clarify that. Are we going to include that or is it just for Town promotion?

**Bower:** Well, it's for Town promotion at no cost to the Town. I think that's the important thing.

**Gregor:** We need to clarify that to make sure that it's in the record.

**Pettit:** Well again the arrangement with Lamar since I've been associated with the Town has never been non-for-profit, it's always been Town events. Leaf collection, police, fire, town ball, veteran's memorial, these are all Town events.

**Gregor:** Of course we have to understand that these are billboards and not the small signs as Mr. Brown was discussing such as CVC or Walgreen's or whatever, where when they were approved they had that approval with that non-profit organizations if they approach them, were able to put that information on. So, what I'm trying to explain is the difference. This is a billboard verses a regular free standing sign and maybe that's where we should differentiate the two. Billboard signs should be just for Town promotion and then the smaller ones...well, they don't have to come for approval on the smaller ones anymore as long as they meet the criteria.

**Pettit:** Any further discussion? We have a motion by Mr. Widing and a second by Mr. Shudick to approve Z13uV-307. Are there any (THE TAPES STOPS AND RESUMES AT THIS POINT)

**Hardaway:** I just want to make sure that we understand that we're either going to use either/or at times.

**Perry:** If the digital is not available.

**Hardaway:** Yes.

**Brown :** Here is the way I've written it down. Use of digital side and secondary option of paper side if digital side is booked.

**Hardaway:** Yes, I just wanted to make sure that we understand that.

**Brown:** The second item is for Town promotion only.

**Pettit:** Is that acceptable Mr. Widing?

**Widing:** Yes.

**Pettit:** Second stand Mr. Shudick?

**Shudick:** Yes.

**Pettit:** Okay, any further discussion? Mr. Perry, any further questions?

**Perry:** No, Sir.

**Pettit:** Mr. Brown, roll call vote.

**Mr. Brown conducted the following roll call vote:**

**Councilman Taylor:** Yes

**Councilman Hardaway:** Yes

**Councilman Huish:** Yes

**Councilman Uzelac:** Absent

**Councilman Shudick:** Yes

**Councilman Widing:** Yes

**Councilman Pettit:** Abstain

**Pettit:** Motion carries 5/0 with 1 abstention.

**Perry:** Thank you for your time.

**Mr. Brown read the bza action as follows:**

**Petitioner:** Amanda Cole/Jump & Fun

**Owner:** Nagle & Nagle

**Request:** Special exception approval in a C-3, Highway Commercial zone for an indoor amusement center for private birthday parties, team/corporate events, & school/church outings.

**Location:** 630 W. 81<sup>st</sup> Avenue

**Case No.:** Z18E5-407

**Conditions:** None

**Hardaway:** So moved.

**Huish:** Second.

**Pettit:** Motion by Mr. Hardaway and second by Mr. Huish to approve bza case Z18E5-407. Any discussion? We had the petitioner at the workshop and I think we covered a lot of the things. Seeing none, roll call Mr. Brown.

**Mr. Brown conducted the following roll call vote:**

**Councilman Taylor:** Yes

**Councilman Hardaway:** Yes

**Councilman Huish:** Yes

**Councilman Uzelac:** Absent

**Councilman Shudick:** Yes

**Councilman Widing:** Yes

**Councilman Pettit:** Yes

**Pettit:** Motion carries 6/0. Welcome to Merrillville, that was easy right?

**Taylor:** They were like, oh my God...

**Huish:** They were hoping they didn't have to go through the same thing Lamar did.

**Pettit:** You guys are just showing the love. That's okay.

**Brown:** That's what it was.

**Taylor:** Will you let the Council come in and play for free.

**Hardaway:** You guys didn't bring any treats.

**Taylor:** They still don't have any food with them.

**Hardaway:** You guys have to go back, I'm sorry.

**Mr. Brown read the bza action as follows:**

**Petitioner:** Corporate design and development

**Owner:** Panda Restaurant Group

**Request:** Special exception approval in a C-3 Highway Commercial Zone for a restaurant with drive thru.

**Location:** 31 West 81<sup>st</sup> Avenue

**Case No.:** Z17E4-407

**Conditions:** None

**Pettit:** Motion to table due to lack of treats?

**Taylor:** Yes.

**Brown:** Here we go.

**Pettit:** Sorry guys, we warned you at the workshop. They think we're kidding Rich.

**Hardaway:** I know. So moved.

**Huish:** Second.

**Pettit:** Motion by Mr. Hardaway and second by Mr. Huish to approve Z17E4-407. Is there any questions? Everyone knows where this is at don't they?

**Widing:** The old pizza place?

**Hardaway:** Yeah, they're going to tear it down and rebuild.

**Taylor:** As long as they construct a sign offering...advertising non-for-profit.

**Pettit:** They're going to have their menu up there Terrell.

**Taylor:** Let's do it. Go for it.

**Pettit:** Let's discuss though...seriously, at the workshop we did discuss the service road access into K-Mart right?

**Taylor:** Yes.

**Brown:** Yes and then doing some repairs.

**Pettit:** Doing some repairs and then the Speedway Tim, has got the stuff right east of them correct?

**Brown:** Yes.

**Shudick:** The drainage issues with the sink hole out front is all...

**Huish:** They said they were going to fix that.

**Gregor:** Prior to issuance.

**Brown:** They're building a pond too.

**Gregor:** Prior to issuance of the building permit, the drainage will be reviews by the Town Engineer and it will be corrected.

**Webster:** I'm Dave Webster with Corporate Design and Development Group. It's been revised to provide a detention pond on site now.

**Taylor:** When are we looking at starting construction?

**Webster:** Shortly after the permits are issued probably within the next 2-3 weeks.

**Taylor:** When are you looking to be open? Before the end of the year or no?

**Webster:** Absolutely.

**Pettit:** Any further discussion Gentlemen? Seeing no further discussion, roll call vote.

**Mr. Brown conducted the following roll call vote:**

**Councilman Taylor:** Yes

**Councilman Hardaway:** Yes

**Councilman Huish:** Yes

**Councilman Uzelac:** Absent

**Councilman Shudick:** Yes

**Councilman Widing:** Yes

**Councilman Pettit:** Yes

**Pettit:** Motion carries 6/0. Welcome to Merrillville.

**OLD BUSINESS: None**

**NEW BUSINESS:**

**Taylor:** Yes, I'd like to thank Old Mill Pizzeria for sponsoring the inaugural Duck Run that was held May 12<sup>th</sup>. It was an awesome event, they raised \$5,000.00. \$2,500.00 went to the Merrillville Youth Jr. Pirate Basketball program and the other \$2,500.00 went to the winner Terrell Taylor who donated the money to the Merrillville Education Foundation and to the Kids for Kids Foundation which was founded by my son Brandon Taylor.

**Hardaway:** Those ducks were weighed down.

**Pettit:** Wow.

**Taylor:** I put Nitrous in my ducks.

**Huish:** He probably had a magnetic duck.

**Taylor:** They raised a lot of money and it was a good thing because they cleaned up the creek. The guys that came by there, I want to thank Councilman Hardaway for coming by to support the event. They cleaned up the creek and it looks great.

**Pettit:** More importantly Mr. Taylor in the historic district, he demolished the disgusting garage that I've been waiting for and now I'm working on the orange house.

**Huish:** Yeah, when are we getting rid of the orange house?

**Taylor:** I thought the orange house was going to fall in?

**Pettit:** It might, I thought the red garage was holding it up there for a while. I don't know.

**PUBLIC COMMENT:**

**Carol Miano:** My name is Carol Miano, my address is 6772 Adams and first of all, I would like to thank the Council for the recognition you gave to our firefighters last night as they battled the two fires we had in Town. There is an old saying, "Firemen rush into burning buildings while other's run out." This was proven last night. I'm also the President of the Merrillville Ross Township Democratic Club and we are having a fundraiser for the Ross Township Fire Services on June 9<sup>th</sup> from 2:00-7:00 p.m. at the Slovak Club located at 6920 Broadway. Our Fire Services are in desperate need of new radio equipment and our fundraiser is billed, "Hearts on Fire for our Firefighter's". The tickets are \$6.00 each and children are \$3.00 payable at the door. We hope to see everyone there. I understand we may have the Lake County Pipes and Drums. We'll have fire trucks, food, door prizes and we're hoping for a very successful fundraiser.

**Pettit:** Thank you.

**Hardaway:** Thank you.

**Huish:** Thank you.

**Brown:** Carol, if the fire department requests it, we'll post it on our website but I've got to have them ask since they're part of our group instead of the club.

**Pettit:** Are you requesting that chief?

**Herzog:** I'll get my secretary right on this.

**Brown:** Okay thank you very much. We'll get that posted on our website.

**Carol Miano:** I would like to add that Mr. Herzog is a co-chairman along with Joe Shudick...for our event.

**Pettit:** Are you cooking the spaghetti Shudick?

**Widing:** Oh, I hope not.

**Shudick:** I'll help serve.

**John Johnson:** My name is John Johnson, I live at 1611 E. 85<sup>th</sup> Court and I heard a rumor that we were going to have a cement company...when I bought the house we were going to have 249 homes 11 years ago but they changed it to commercial without the home owner's knowledge and I know that it isn't on the floor but I'm definitely going to put a petition to ask the Council to change it back to being homes like we were told when we bought the houses. Our houses are \$200,000.00 or more and if we have a cement factory, they will lose the value of the property. I love Merrillville, I moved to Merrillville into the Preserves...the other administration...you're doing a darn good job but I've got to be concerned about my house and my neighbors and so I'm going to start a petition and present it to the Town next week.

**Pettit:** Okay, thank you Mr. Johnson.

#### **ANNOUNCEMENTS:**

**The next Town Council Meeting will be Tuesday June 12 at 6: 30 p.m. and a Redevelopment Commission meeting right after the Town Council meeting.**

**Plan Commission workshop on June 5<sup>th</sup> and the public meeting on June 19<sup>th</sup>.**

**Storm Water Management Board meeting on June 5<sup>th</sup>.**

#### **ADJOURNMENT**

---

**Shawn Pettit, Town Council President**

---

**Rose Ann Antich, Clerk-Treasurer**